

BEFORE THE HEARING EXAMINER FOR THE CITY OF RENTON

RE: Early Childhood Learning Center

Conditional Use, Site Plan, Street Waiver and Lot Line Adjustment

LUA11-101, CU-H, SA-H, LLA

FINAL DECISION

Summary

The Renton School District has applied for a conditional use permit, site plan approval, lot line adjustment and street waiver. The conditional use permit and site plan are approved with conditions. The lot line adjustment is denied without prejudice because the record contains no information on the proposed adjustment. The lot line adjustment can be processed administratively by City staff.

The conditional use and site plan applications are for a school building up to 71,645 square feet in area. The building will be composed of 22 classrooms, associated work rooms, storage areas and indoor play areas arranged in three separate wings. The building would also contain a multi-purpose room, kitchen, conference rooms, maintenance rooms and support office. The facility would serve 450 students and accommodate 75 staff. An existing 38,590 square foot school building and associated outbuildings will be demolished and three associated portable classrooms will be removed. The new building will exceed the area of current school facilities by 30,164 to 33,057 square feet.

Testimony

Rocale Timmons, associate planner, stated the proposed building site is bordered by Index Ave NE and NE 16th St in Renton's Highland Sub area. She testified that the site is approximately 7.22 acres

1 and is located within the Center Village Comprehensive Plan designation (zoned R- 14). She added
2 that the surrounding area uses include single-family residential and multi-family residential east of
3 the site. The existing use of the site is the Hillcrest Early Child Learning Center; this site would be
4 demolished following construction of the new facility. In regard to the construction of parking
facilities, she noted that the Applicant is proposing 93 vehicular parking stalls, 19 bus loading areas,

5 Ms. Timmons stated that the Applicant is proposing construction to begin in the spring of 2012 and
6 be completed by Fall of 2013. In regard to access to the site, the Applicant is proposing a new curb-
7 cut along Harrington Ave NE to reach parking (the western most curb cut), two eastern curb cuts on
8 Harrington Ave for buses, and a second bus parking and turnaround would be located along NE 16th
9 St, according to her. In terms of the structure, she said the height of the building would be 30 ft. and
10 the gross area would be 71645 sq. ft. She stated that the Renton School District took lead for the
11 SEPA review. On January 13, 2012, according to her, a determination of non-significance mitigated
was reached which included 14 mitigation measures related to parks, traffic, fire impact fees, etc.
There was a 14-day appeal period which commenced on January 16 and ended on January 30; no
public or agency comments were received, she added. She testified that staff recommends a
condition of approval that the Applicant meet all 14 mitigation measures issued in the SEPA review.

12 According to Ms. Timmons, the Applicant is applying for site-plan review. She remarked that staff
13 found that the proposal is compliant with both the Comprehensive Plan Land Use policies and
14 Community Design policies. She added that the proposal is also compliant with all relevant zoning
15 regulations. In addition, she stated that the proposal is located within the Sunset Planned Action
16 Area and meets the criteria as outlined in ordinance 5610. In regard to on-site and off-site impacts,
17 she said the building structure is largely located in the western portion of the site, and vehicles and
18 buses are separated from pedestrian zones in order to reduce congestion and hazards. Drop-off sites
19 are located on-site which reduces congestion on surrounding sites, she noted. She testified that
20 landscaping has been well thought-out and will screen the loading areas. She further stated that
21 common spaces are provided for school-use during the day (marked on exhibit 2). She testified that
22 the Applicant is proposing a joint-use play area which would be shared with the North Highlands
Community Center. This facility would be located on the southern portion of the site, according to
her, and staff recommends as a condition of approval that the school district formalize a
memorandum of understanding which provides for cost-sharing and operation of the playground.
She commented that there are no large or attractive, natural features on the site. The increased
setbacks of the proposed building will minimize the aesthetic impacts from neighboring properties
with exception to the property to the east, according to her. However, she noted the Applicant is
proposing a 10 ft. landscape buffer along the property line to the east to protect the aesthetics.

23 In regard to the building structure, Ms. Timmons testified that staff felt the Applicant has achieved a
24 reduction in the scale and bulk of the facility via building materials, articulation and modulation, and
25 differing roof profiles. In regard to public services, she said that staff found that there are sufficient
26 fire resources, and the Applicant would be required to install appropriate water and sewer lines
improvements in order to serve the proposal. The proposal is required to comply with the 2009 King

1 County Surface Water Management Design Manual, thus a proposal was submitted with the
2 application that complies with this design manual, according to her.

3 In regard to streets, Ms. Timmons stated that the front streets are non-arterial, residential access
4 streets. She added that staff has recommended, as a condition of approval, that the Applicant comply
5 with conditions outlined in the Street Modification issued on February 3rd. She commented that the
6 existing planting strip along Harrington Ave NE may remain unchanged for the project, despite not
7 meeting the required 8 ft. length. In regard to Index Ave, she remarked that the Modification
8 recommends leaving the existing pavement section unchanged with no new gutter section as
9 required; however, staff asks for an additional drive-way dedication of 4 ft. for possible future
10 improvements. The sidewalk is also required to be meandering in order to protect existing trees
11 along the street, according to her. She added that no modification was granted for NE 16th St, thus
12 new gutter sections and a 5 ft. sidewalk are required.

13 Ms. Timmons noted that staff also reviewed the CUP criteria for their report. She remarked that the
14 subject site is adjacent to residential areas on all sides with the exception of the North Highlands
15 Community Center; however, the learning facility is a long-standing use at this site and hasn't
16 created a negative impact up until this point. She testified that impacts caused by congestion and
17 increased parking on adjacent streets would be largely mitigated with the new proposed parking and
18 loading areas. She stated that staff expects the most significant impacts would be during the
19 construction period. However, according to her, the Applicant has submitted a construction
20 mitigation plan which provides measures to reduce construction impacts. Ms. Timmons concluded
21 that staff is recommending approval of the Early Childhood Development Center as it is depicted in
22 Exhibit 2.

23 Upon questioning by the hearing examiner, Ms. Timmons testified that there is a small playfield
24 included within the design of the project (located at the north-end of the project along Harrington
25 Ave NE). She commented that there is also a small joint-use play area that the city and district will
26 be building together. She noted that the existing facility is located close to Index Ave (depicted in
Exhibit 9). Thus, according to her, the main reason the proposed building is being sited further back
is to accommodate the existing building during construction. She said that the new facility will be
largely located in the existing open space area. She testified that staff was unaware if there would be
a shortage of parking while both buildings were standing.

Brad Medrud, AHBL Inc. and Applicant's representative, noted that there has been a high level of
coordination required to complete this project. The Applicant has no issue with the staff report. On
page 6 of the report, he testified that additional information regarding recycling is requested before
the issuance of a building permit. He noted that this information has been prepared as part of the full
submittal package. On page 9 of the staff report, he acknowledged that a request is made for the
Applicant to show a 12-inch extension of water-sewer lines. He noted that the Applicant is currently
showing this extension on their plans and will submit them as part of their submittal package. In
terms of the conditions of approval, he commented that the Applicant has no issue with the SEPA
conditions. For the approved street modifications, he noted that the Applicant had submitted a
written request to the public works department and has no issue with the final decision.

1 In regard to the recreational facilities on site, Mr. Medrud stated that the existing structure was built
2 in the 1950s and has remained a school since that time. The current uses of the existing building do
3 not require the large open space in the back of the site because they mainly involve Pre-K children
4 who must be closely monitored. He testified that the open areas depicted in exhibit 2 are uncovered,
5 but are enclosed for recreation in order to provide a controlled space. He added that the joint-
6 playground space on 16th NE is also for recreation. The reason a larger recreational area does not
exist is because much more space was needed for parking facilities in order to accommodate changes
to how parents drop-off students and provide adequate safety. He said the Applicant made the effort
to ensure parking and drop-off occurred on the site and not the city's streets.

7 In regard to parking during construction, as part of the first phase of the project, Mr. Medrud testified
8 that a new facility will be built on the existing playfields. According to him, once the new building is
9 finished, the existing building will be demolished and more parking will be added (phase 2). He
10 commented that the parking area that exists now (darker grey, I-shape on Exhibit 2) will remain to
11 support the existing facility. Some parking will be lost behind the building, but the lot that remains
will be sufficient. Additionally, the city and district are looking into off-site parking for construction
personnel.

12 Upon questioning by the hearing examiner, he stated that no lighting is proposed for the facility
13 outside of school hours. He added that the property line between the site and the housing authority is
14 currently a chain-link fence, and the Applicant is planning large amounts of landscape that doesn't
exist at present. He stated that he does not anticipate the recreational space to be used by the
community during off-school hours.

15 In rebuttal, Ms. Timmons noted that the Applicant would be required to make sure all lighting
16 produces no glare and would include shielding.

17 Mr. Medrud noted that lighting is dealt with in the SEPA mitigation conditions.

18 Exhibits

19 The February 23, 2012 staff report Exhibits 1-9 identified at pat 2 of the staff report itself were
20 admitted into the record during the hearing. In addition, Renton Ordinance No. 5610 was
21 admitted as Ex. 10.

22 FINDINGS OF FACT

23 Procedural:

- 24 1. Applicant. Renton School District.

2. Hearing. The Examiner held a hearing on the subject application on March 1, 2012 at 1:00 pm in the City of Renton Council Chambers.

3. Project Description. The Renton School District has applied for a conditional use permit, site plan approval, lot line adjustment and street waiver. The conditional use and site plan applications are for a school building up to 71,645 square feet in area. The building will be composed of 22 classrooms, associated work rooms, storage areas and indoor play areas arranged in three separate wings. The building would also contain a multi-purpose room, kitchen, conference rooms, maintenance rooms and support office. The proposal also includes the construction of an inclusive playground facility in cooperation with the City of Renton that will include 20,000 square feet of the North Highlands Community Center. The facility would serve 450 students and accommodate 75 staff. The facility would support the District's educational programs, including the Integrated Preschool program, Head Start and Early Childhood Education and Assistance programs.

The site currently contains the Hillcrest Early Childhood Center. The one-story structure is approximately 38,590 square feet in area. There are also three portable classrooms on site, parking 58 parking spaces and a canopy structure. The canopy structure and building will be demolished and the portables will be moved off-site. The 38,590 square foot building will not be demolished until the proposed new building will be completed. The canopy building and portable classrooms will be removed prior to completion of the new building. The new facilities represent an increase of 30,164 to 33,057 square feet in building area over existing facilities.

The project description and the project number reference a lot combination as part of the application. There is nothing in the administrative record that provides any information on the proposed lot combination. There is no parcel map that identifies what lots compose the project site and no information on what lots are proposed to be combined. It appears that the lot combination may be used to add property from the adjoining North Highlands Community Center as described in the MDNS for the proposed playground area, but there is no information in the record to confirm this supposition.

Impacts of the project have been addressed in a planned action ordinance for the Sunset Area, Renton Ordinance No. 5610. Generally, the impacts of the proposal are within the range of impacts identified in the planned action ordinance. However, some specific impacts have not been addressed by the planned action ordinance so the Applicant acted as lead agency in issuing an MDNS for the project, Ex. 6.

4. Adequacy of Infrastructure/Public Services. The project will be served by adequate infrastructure and public services as follows:

1 A. Water and Sewer Service. The site is served by the City of Renton for all water and sewer
2 service. The Fire Marshall has determined that the project will have to be served by
3 adequate fire flow with the addition of a 12-inch water main extension extending a water
4 main located in NE 16th to the east to the existing water main in Kirkland Ave NE. The
5 Fire Marshall also determined that the project will need to be served by four fire hydrants,
6 an approved fire sprinkler system and a backflow device.

7
8 B. Fire and Police. Fire and police department staff have determined that existing facilities
9 are adequate to serve the development.

10 C. Drainage. City staff have determined that the conceptual drainage plan complies with the
11 2009 King County Surface Water Design Manual, the City's applicable stormwater
12 development standards. The Applicant proposes to grade the project site to drain into
13 catch basins, a swale and/or a rain garden. The catch basins, swale and rain gardens
14 would connect to an underground infiltration system that would allow water to infiltrate
15 into the site soils.

16 D. Parks/Open Space. City development standards do not require any set-asides or
17 mitigation for parks and open space for schools. The project does include limited
18 recreational space for students located in a controlled environment so that the children can
19 be adequately monitored and supervised. The staff report discussion on open space,
20 Finding 14(h) is adopted and incorporated by this reference as if set forth in full.

21 E. Transportation. Off-site traffic impacts are adequately mitigated. Page 15 of the MDNS
22 for the project identifies that the proposal will increase traffic by 310 trips per day. The
23 MDNS further identifies that the Applicant will have to pay a \$23,500 traffic impact fee
24 for system improvements necessitated by this increase in traffic. Finding of Fact No. 11
25 of the MDNS also determines that the increase in traffic created by the proposal will not
26 exceed the total trip threshold established in the planned action ordinance for the project

21 5. Adverse Impacts. There are no significant adverse impacts associated with the project. Few
22 adverse impacts are anticipated since there are no critical areas on site, the proposal is a
23 redevelopment of a fully developed parcel and adequate infrastructure serves the site as determined
24 in Finding of Fact No. 4. Impacts are more specifically addressed as follows:

24 A. Aesthetics. According to the staff report, the proposal would not affect view corridors
25 to shorelines and Mount Rainer. The bulk of the facility will slightly increase but aesthetic impacts
26 have been off-set by increases in setbacks and landscaping and there were no public comments
expressing any concern over view impacts. As shown in Exhibit 3, landscaping is added to all areas
not occupied by buildings, paving, or critical areas and is used to screen loading and parking areas to
minimize views from surrounding properties. As noted in the staff report, the landscaping is used to

1 provide transitions between the proposed development and surrounding properties to reduce noise
2 and glare, maintain privacy, and generally enhance the appearance of the project. Given that the
3 mass and scale of the building is well within the bulk and dimensional requirements of the zoning
4 district (impervious surface is limited to 63%, below the 85% allowed in the zone and setbacks range
up to 203 feet, exceeding the maximum 10 foot applicable setbacks), aesthetic impacts have to be
considered acceptable.

5 B. Lighting. The Applicant testified that the proposal will not involve any after-hours
6 lighting and no lighting will be used for after-hours use of school recreational facilities. It is
presumed that the project will include some after-hours security lighting and staff testified that City
regulations require lights fixtures to direct light inwards and that light trespass is prohibited.

7 C. Internal Circulation. The project includes several improvements over existing
8 circulation to provide for traffic safety and reduce congestion, including the separation of vehicles
9 from pedestrian zones and buses. Drop off queues will be located on site to reduce congestion on
10 surrounding streets. More detail on internal circulation is outlined at Finding No. 14(g) of the staff
11 report, adopted and incorporated by this reference as if set forth in full. Sidewalks are provided from
the street to the entries and around the building in order to provide pedestrian linkages. In addition,
pedestrian sidewalks along the new public right-of-way, as well as private pedestrian connections at
the perimeter of the property are proposed to provide safe and efficient pedestrian access throughout
the site.

12 D. Bicycle Stalls. The project accommodates bicycle use by including ten bicycle stalls
13 as required by RMC 4-4-080(F)(11).

14 E. Noise. The Applicant has submitted a Construction Mitigation Plan to minimize noise
15 impacts during construction and the City's noise regulations, Chapter 8-7 RMC, sets the legislative
standard for noise impacts and will adequately regulation noise when construction is completed.

16 **Conclusions of Law**

17 1. Authority. K-12 facilities are allowed in the R-14 district as a conditional use subject to
18 hearing examiner review. RMC 4-8-080(G) classifies conditional use applications as Type III
19 permits when hearing examiner review is required. RMC 4-9-200(B)(2)(a)(i) requires site plan
20 review for all development in the R-14 zones that includes K-12 educational institutions. In the
21 absence of the conditional use permit application, no hearing examiner review would be required for
the site plan and it would be classified as a Type II permit by RMC 4-8-080(G). RMC 4-8-080(G)
22 classifies street waivers and lot line adjustments as Type I permits. All four of the aforementioned
23 permits have been consolidated. RMC 4-8-080(C)(2) requires consolidated permits to each be
processed under "the highest-number procedure". The conditional use has the highest numbered
24 review procedures, so all four permits must be processed as Type III applications. As Type III
25 applications, RMC 4-8-080(G) grants the Examiner with the authority to hold a hearing and issue a
final decision on them, subject to closed record appeal to the City Council.

26 2. Zoning/Comprehensive Plan Designations. The subject property is zoned Residential 14
dwelling units per net acre (R-14) and the comprehensive plan land use designation is Center Village.

3. Review Criteria. Conditional use criteria are governed by RMC 4-9-030(D). Site plan review standards are governed by RMC 4-9-200(E)(3). Street modifications are governed by RMC 4-9-250(C)(5). All applicable criteria are quoted below in italics and applied through corresponding conclusions of law.

Conditional Use

The Administrator or designee or the Hearing Examiner shall consider, as applicable, the following factors for all applications:

RMC 4-9-030(C)(1): Consistency with Plans and Regulations: *The proposed use shall be compatible with the general goals, objectives, policies and standards of the Comprehensive Plan, the zoning regulations and any other plans, programs, maps or ordinances of the City of Renton.*

4. The proposal is consistent with Objective LU-V and Policy LU-102 and LU-103 as quoted at page 5 of the staff report because as designed and mitigated the project is designed to be compatible with adjoining residential uses and the project includes a joint playground facility. The proposal is consistent with all applicable zoning and other development standards as outlined in Finding 14(a)-(d) of the staff report, adopted and incorporated by this reference as if set forth in full.

RMC 4-9-030(C)(2): Appropriate Location: *The proposed location shall not result in the detrimental overconcentration of a particular use within the City or within the immediate area of the proposed use. The proposed location shall be suited for the proposed use.*

5. The proposal only represents a modest increase in size to the existing facility, which has remained in place and been used as a school facility since the 1950s. The aerial photograph, Exhibit 9, does not reveal any over-concentration of school facilities in the vicinity and school facilities in general are not overly concentrated in the City as a whole given that the schools are designed to only serve the immediate service areas of the Renton School District. Given these factors the criterion is met.

RMC 4-9-030(C)(3): Effect on Adjacent Properties: *The proposed use at the proposed location shall not result in substantial or undue adverse effects on adjacent property.*

6. As determined in Finding of Fact No. 5 there are no adverse impacts associated with the proposal, so it will not result in substantial or undue adverse effects on adjacent property.

RMC 4-9-030(C)(4): Compatibility: *The proposed use shall be compatible with the scale and character of the neighborhood.*

7. As determined in Finding of Fact No. 5 under the discussion of aesthetic impacts, the proposed use is compatible with the scale and character of the neighborhood since it does not involve

any significant adverse aesthetic impacts and significantly exceeds setback and impervious surface requirements.

RMC 4-9-030(C)(5): *Parking:* *Adequate parking is, or will be made, available.*

8. As determined in Conclusion of Law No. 4, the proposal includes parking that is consistent with applicable parking standards, which sets a legislative standard for adequate parking.

RMC 4-9-030(C)(6): *Traffic:* *The use shall ensure safe movement for vehicles and pedestrians and shall mitigate potential effects on the surrounding area.*

9. As determined in Finding of Fact No. 5, the project includes several improvements over existing circulation to provide for traffic safety and reduce congestion, including the separation of vehicles from pedestrian zones and buses. Drop off queues will be located on site to reduce congestion on surrounding streets. The criterion is met.

RMC 4-9-030(C)(7): *Noise, Light and Glare:* *Potential noise, light and glare impacts from the proposed use shall be evaluated and mitigated.*

10. As determined in Finding of Fact No. 5, noise and light impacts are adequately addressed and mitigated. As to lighting impacts, the Applicant testified that the proposal will not involve any after-hours lighting and no lighting will be used for after-hours use of school recreational facilities. It is presumed that the project will include some after-hours security lighting and staff testified that City regulations require lights to be directed inwards and that light trespass is prohibited. As to noise, the Applicant has submitted a Construction Mitigation Plan to minimize noise impacts during construction and the City's noise regulations, Chapter 8-7 RMC, sets the legislative standard for noise impacts and will adequately regulation noise when construction is completed.

RMC 4-9-030(C)(8): *Landscaping:* *Landscaping shall be provided in all areas not occupied by buildings, paving, or critical areas. Additional landscaping may be required to buffer adjacent properties from potentially adverse effects of the proposed use.*

11. The criterion is met for the reasons discussed in Finding of Fact No. 5 under aesthetic impacts.

Site Plan

RMC 4-9-200(E)(3): *Criteria:* *The Administrator or designee must find a proposed project to be in compliance with the following:*

a. Compliance and Consistency: *Conformance with plans, policies, regulations and approvals, including:*

1 **i. Comprehensive Plan:** The Comprehensive Plan, its elements, goals, objectives, and
2 policies, especially those of the applicable land use designation; the Community Design
3 Element; and any applicable adopted Neighborhood Plan;

4 **ii. Applicable land use regulations;**

5 **iii. Relevant Planned Action Ordinance and Development Agreements; and**

6 **iv. Design Regulations:** Intent and guidelines of the design regulations located in RMC [4-3-100](#).

7 12. As discussed in Conclusion of Law No. 4, the proposal is consistent with the City's
8 comprehensive plan and development regulations. Design regulations do not apply to the project.
9 The proposal is consistent with and qualifies as a Planned Action Ordinance No. 5610, as outlined at
10 Finding No. 14(d) of the staff report, of which the Findings of Fact and Conclusions of Law are
11 adopted and incorporated by reference as if set forth in full.

12 **RMC 4-9-200(E)(3)(b): Off-Site Impacts:** Mitigation of impacts to surrounding properties and
13 uses, including:

14 **i. Structures:** Restricting overscale structures and overconcentration of development on a
15 particular portion of the site;

16 **ii. Circulation:** Providing desirable transitions and linkages between uses, streets,
17 walkways and adjacent properties;

18 **iii. Loading and Storage Areas:** Locating, designing and screening storage areas,
19 utilities, rooftop equipment, loading areas, and refuse and recyclables to minimize views
20 from surrounding properties;

21 **iv. Views:** Recognizing the public benefit and desirability of maintaining visual
22 accessibility to attractive natural features;

23 **v. Landscaping:** Using landscaping to provide transitions between development and
24 surrounding properties to reduce noise and glare, maintain privacy, and generally
25 enhance the appearance of the project; and

26 **vi. Lighting:** Designing and/or placing exterior lighting and glazing in order to avoid
excessive brightness or glare to adjacent properties and streets.

13. The school facility is necessarily concentrated on one portion of the site, but the impacts of
this concentration are negligible given the small portion of the site that is occupied by buildings and
the large setbacks and significant amount of landscaping that separates the facility from adjoining

1 uses. The facility could not be considered “overscale” considering the relatively small amount of
2 area occupied by buildings. As determined in Finding of Fact No. 5, lighting and view impacts are
3 adequately mitigated and landscaping is effectively used to protect adjoining properties from noise
4 and glare and to maintain privacy and enhance the appearance of the project. The project will be
5 conditioned to provide for adequate screening of refuse and recyclables and to provide screening
6 from utilities and rooftop structures. As determined in Finding of Fact No. 5, the project provides
7 screening of loading areas to minimize views from surrounding properties.

8 **RMC 4-9-200(E)(3)(c): On-Site Impacts: Mitigation of impacts to the site, including:**

9 *i. Structure Placement: Provisions for privacy and noise reduction by building placement,*
10 *spacing and orientation;*

11 *ii. Structure Scale: Consideration of the scale of proposed structures in relation to*
12 *natural characteristics, views and vistas, site amenities, sunlight, prevailing winds, and*
13 *pedestrian and vehicle needs;*

14 *iii. Natural Features: Protection of the natural landscape by retaining existing vegetation*
15 *and soils, using topography to reduce undue cutting and filling, and limiting impervious*
16 *surfaces; and*

17 *iv. Landscaping: Use of landscaping to soften the appearance of parking areas, to provide*
18 *shade and privacy where needed, to define and enhance open spaces, and generally to*
19 *enhance the appearance of the project. Landscaping also includes the design and*
20 *protection of planting areas so that they are less susceptible to damage from vehicles or*
21 *pedestrian movements.*

22 14. As determined in Finding of Fact No. 5, landscaping has been well designed to provide for
23 privacy and noise reduction. There is nothing in the record to reasonably suggest that the scale,
24 spacing and orientation of the project could be modified to provide for more privacy and noise
25 reduction without unreasonably interfering with the objectives of the facility. The scale of the
26 facility will not create any adverse impacts as discussed and is compatible with vehicle and
pedestrian circulation as determined in Finding of Fact No. 5. In addition, there is nothing in the
record to reasonably suggest that the scale of the project is incompatible with sunlight, prevailing
winds or natural characteristics. Impervious surfaces are significantly less than those authorized by
applicable zoning regulations. The comments by staff on this criterion, at Finding No. 14(f), are
adopted by this reference and incorporated as if set forth in full.

**RMC 4-9-200(E)(3)(d): Access and Circulation: Safe and efficient access and circulation for
all users, including:**

i. Location and Consolidation: Providing access points on side streets or frontage streets rather than directly onto arterial streets and consolidation of ingress and egress points on the site and, when feasible, with adjacent properties;

ii. Internal Circulation: Promoting safety and efficiency of the internal circulation system, including the location, design and dimensions of vehicular and pedestrian access points, drives, parking, turnarounds, walkways, bikeways, and emergency access ways;

iii. Loading and Delivery: Separating loading and delivery areas from parking and pedestrian areas;

iv. Transit and Bicycles: Providing transit, carpools and bicycle facilities and access; and

v. Pedestrians: Providing safe and attractive pedestrian connections between parking areas, buildings, public sidewalks and adjacent properties.

15. The proposal provides for adequate access and circulation as required by the criterion above for the reasons identified in Finding of Fact No. 5(C) and(D).

RMC 4-9-200(E)(3)(e): Open Space: *Incorporating open spaces to serve as distinctive project focal points and to provide adequate areas for passive and active recreation by the occupants/users of the site.*

16. The proposal provides for open space that serves as distinctive project focal points and also provides for recreation as determined in Finding of Fact No. 4(D).

RMC 4-9-200(E)(3)(f): Views and Public Access: *When possible, providing view corridors to shorelines and Mt. Rainier, and incorporating public access to shorelines.*

17. There are no view corridors to shorelines or Mt. Rainier affected by the proposal.

RMC 4-9-200(E)(3)(g): Natural Systems: *Arranging project elements to protect existing natural systems where applicable.*

18. There are no natural systems at the site or that would be affected by the proposal.

RMC 4-9-200(E)(3)(h): Services and Infrastructure: *Making available public services and facilities to accommodate the proposed use.*

19. The project is served by adequate services and facilities as determined in Finding of Fact No. 4.

1 **RMC 4-9-200(E)(3)(i): *Phasing:*** *Including a detailed sequencing plan with development phases*
2 *and estimated time frames, for phased projects.*

3 20. The project is not phased.

4 **Lot Line Adjustment**

5 **RMC 4-7-060: *PRINCIPLES OF ACCEPTABILITY:***

6 *A lot line adjustment shall be consistent with the following principles of acceptability:*

7 **1. *Correcting:*** *Adjust lot lines including the elimination of a common lot line in order to correct*
8 *property line or setback encroachments;*

9 **2. *Improving:*** *Create better lot design, or improve access;*

10 **3. *Conforming:*** *Conform to Applicable Zoning: See chapter [4-2](#) RMC, subdivision and other code*
11 *requirements pertaining to lot design, building location, and development standards.*

12 21. The record contains no information on whether the proposed lot line adjustment conforms to
13 the criteria above. No plat map or other depiction has been submitted to identify what lots are
14 proposed to be modified and how they are proposed to be adjusted.

15 **Street Waiver**

16 **RMC 4-9-250(C)(5): *Decision Criteria for Waivers of Street Improvements:*** *Reasonable*
17 *justification shall include but not be limited to the following:*

18 *a. Required street improvements will alter an existing wetlands or stream, or have a negative*
19 *impact on a shoreline's area.*

20 *b. Existing steep topography would make required street improvements infeasible.*

21 *c. Required street improvements would have a negative impact on other properties, such as*
22 *restricting available access.*

23 *d. There are no similar improvements in the vicinity and there is little likelihood that the*
24 *improvements will be needed or required in the next ten (10) years.*

25 *e. In no case shall a waiver be granted unless it is shown that there will be no detrimental effect*
26 *on the public health, safety or welfare if the improvements are not installed, and that the*
improvements are not needed for current or future development.

22. Ex.7, the staff “decision¹” on the waiver, doesn’t identify why some waivers were granted or assess whether the waivers would be detrimental to public health, safety and welfare. The Examiner certainly agrees with Ex. 7 on the portion of the requested waiver that was denied, i.e. that sidewalks are most needed in proximity to schools and should not be waived. As to those waivers that the staff “approved”, they will be deemed justified since the property is already developed and it is presumed that because of this bringing up street improvements to current standards would involve added expense and may not be consistent with surrounding improvements. From the information in the record it can be reasonably inferred that the waivers “approved” by staff will not create any detrimental effect on public health, safety or welfare. For future applications, it is requested that staff express the basis for its determination that the criteria quoted above are met so that the Examiner has more complete information to assess compliance.

DECISION

As conditioned below, the site plan and conditional use permit are approved. The street waiver request is approved to the extent recommended in Exhibit 7. The proposed lot line adjustment is denied without prejudice and may be re-processed as a Type 1 application. The conditions recommended in Section J of the staff report shall apply to the site plan and conditional use approval with the following added conditions:

1. Staff shall determine whether the proposal shall locate, design and screen storage areas, utilities, rooftop equipment and refuse and recyclables to minimize views from surrounding properties. The Applicant will alter project design as found necessary by staff to meet this condition prior to building permit approval.
2. Prior to building permit approval, the Applicant shall submit for staff approval a refuse and recyclables deposit area as outlined in Finding 14(b) of the staff report.

DATED this 20th day of March, 2012.

Phil A. Olbrechts
City of Renton Hearing Examiner

Appeal Right and Valuation Notices

¹ As noted in prior decisions, since the street waiver request is considered consolidated with the other permits of this decision the staff’s “approval” of the waiver is treated as a recommendation since the waiver must be processed as a Type III application and staff is required to make a recommendation as opposed to decision in Type III applications.

1 RMC 4-8-110(E)(9) provides that the final decision of the hearing examiner is subject to appeal to
2 the Renton City Council. RMC 4-8-110(E)(9) requires appeals of the hearing examiner's decision
3 to be filed within fourteen (14) calendar days from the date of the hearing examiner's decision. A
4 request for reconsideration to the hearing e examiner may also be filed within this 14 day appeal
5 period as identified in RMC 4-8-110(E)(8) and RMC 4-8-100(G)(4). A new fourteen (14) day
6 appeal period shall commence upon the issuance of the reconsideration. Additional information
7 regarding the appeal process may be obtained from the City Clerk's Office, Renton City Hall – 7th
8 floor, (425) 430-6510.

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Affected property owners may request a change in valuation for property tax purposes
notwithstanding any program of revaluation.